MOTORMAN AND CONDUCTOR SAY NEWSBOY EPPS WAS NOT ON CAR THAT BROUGHT MARY TO CITY

They Swear That She Left Car at Broad and Hunter Streets at 12:10, the Very Hour Monteen Stover Claims to Have Left Factory —Daisy Hopkins Swears She Never Visited Factory With Dalton and That She Did Not Know Frank

NEW THEORY OF HOW CRIME MIGHT HAVE BEEN COMMITTED INTIMATED BY ENGINEER'S TESTIMONY

Albert Kauffman Describes Passageway on First Floor Leading to Chute, Through Which He Declares Human Body Could Easily Have Passed—Spots, Said to Be Blood, Found in Passageway

A new theory of the Mary Phagan murder was hinted at by the defense at the trial of Leo M. Frank Friday while Albert Kauffman, a civil engineer, was under examination. From questions asked by Attorney Arnold, Mr. Kauffman testified that there was a chute in the rear of the National Pencil factory building leading from the first floor down into the basement and that the trap door to this chute was large enough to slide a human body through, in fact, he said it was large enough to slide several bodies through at the same moment.

He told of a dark and narrow hallway leading from the front of the building by the stairway back to the rear by the trap door. Many questions were asked concerning this hallway and chute and trial observers believe that the defense is preparing a way for introduction of other testimony possibly bearing out the theory that the child was murdered just as she went to leave the building, was dragged back along this dark hallway and dropped through the chute into the basement. Questions were asked the engineer about a vat in the metal room. He declared that it was plenty large enough to hold the body of a girl who measured five feet and three inches tall.

BLOOD IN DARK PASSAGEWAY?

It is known that the defense had found dark red spots, presumed to be blood, on a door leading to the dark passageway, which goes to the rear of the building and to the chute, to which so much attention was paid by the attorneys. The dark spots on the door have been chipped off and an analysis, the result of which is not known, has been made for the defense.

This circumstance is certain to be used by the defense in its effort to show that the murder could have been committed on the first floor without the knowledge of the defendant. Indications were, after the defense had been introducing testimony several hours, that it will argue to the jury that there are a number of different ways, that the crime could have been committed and a number of ways by which the body could have been carried or hurled to the basement. It is known that a search of the chute did not develop any blood stains.

The testimony given by George Epps, the newsie who said that he rode to town with Mary Phagan on her last trip shortly before she met death at the National Pencil factory, was repudiated by two witnesses, W. M. Matthews, motorman, and W. T. Hollis, conductor, on the English Lindsay street and that she was alone at the time. Both were positive that they knew George Epps and that he was not seen by either of them on that day.

Motorman Matthews testified that Mary Phagan did not leave the car at Marietta street as was sworn by the newsie, but remained on it until the car reached Hunter and Broad and left in company with another girl going toward the pencil factory along Hunter street toward Forsyth. He declared that his car was on schedule time and passed Hunter and Broad at 12:10 o'clock. This testimony repudiates that of Jim Conley that Mary Phagan entered the factory ahead of Monteen Stover if Monteen Stover testified correctly when she said that she left the factory at 12:10. It also strikes at a vital point made by the state that Mary Phagan entered prior to Monteen Stover and immediately after she entered Monteen Stover found Frank's office unoccupied.

Conductor Hollis corroborated the motorman as to time and Mary Phagan boarding the car alone, but he did not see her in company with another girl. He left the car at Marietta and Forsyth streets, however, and Motorman Matthews rode on over to Mitchell street. The car crew was relieved by another crew at Forsyth and Marietta streets, they both testified.

Daisy Hopkins, the woman mentioned in the testimony of the negro, Jim Conley, which was corroborated by C. B. Dalton, took the stand Friday morning as a witness for the defense and repudiated the testimony given by Conley and Dalton. The Hopkins girl denied any misconduct with Dalton, denied that she had introduced Dalton to Frank, denied that she ever spoke to Frank or that Frank ever spoke to her, and denied that she knew where the basement to the pencil factory was. The witness further declared that Dalton had never visited her at the factory. She admitted having been arrested and lodged in jail.

IMPORTANT WITNESSES FOR DEFENSE.

After proving the correctness of the cardboard model of the Pencil factory made by T. H. Willett, of 100 Highland avenue, who made it from Kauffman's blue prints, the defense, it is understood, will call Darley or Holloway to the stand, to contradict statements made by the negro Conley. The next witness is expected to be Herbert Schiff, Frank's young assistant at the factory, and he is one of the most important of the state's witnesses. He will testify, it is said, that one day subsequent to the murder, when the police were there and there was considerable excitement, he found Conley hiding among a pile of boxes on one of the upper floors and apparently very much frightened.

Schiff will also identify the financial statement made out by Frank on the afternoon of the murder, and will show the tediousness of the work, and will declare that it certainly took the superintendent several hours to complete it.

The Journal has learned that there is little doubt, now, that the defense will put the character of Frank in issue.

This means that the trial will be prolonged some time, as fifty or more well-known citizens are ready to swear to the good character of the defendant.

DAISY HOPKINS CALLED.

A sensation was sprung at the opening of court Friday morning when the defense called Daisy Hopkins, involved by the testimony of C. B. Dalton and of James Conley, as a witness for its own side of the case.

Detective Harry Scott was to be recalled to the stand by the state to answer one question, the state agreeing at the same time to let the defense recall Boots Rogers to answer a question of its own.

The jurors spent a pleasant evening Thursday listening to Juror Winburn tickle the ivories of the Kimball house piano. All members of the jury were well except Juror Metcalfe, who has been bothered by a crick in the neck for the past twenty-four hours. The court directed that a physician wait upon him at the conclusion of court Friday, the physician to be overshadowed by a court bailiff. Juror Townsend is growing a mustache. He was clean shaven when he became a juror, but now he presents a very creditable set of furs on his upper lip.

SCOTT ON STAND.

Detective Scott was called to the stand.

"How long did it take Jim Conley to write those notes at your dictation, at police headquarters?" asked the solicitor.

"Two or three minutes."

"You are not fixing to leave the city, are you, Mr. Scott?" asked Mr. Rosser.

"No, sir."

"Boots" Rogers was recalled, but it was announced that he was not in court. Attorney Rosser called for George Epps. He wasn't present, Solicitor Dorsey announcing that he had excused the

newsboy, but that he would get him to court if the defense wanted him. The defense said they wanted him, and the solicitor ordered that he be subpenaed. Rogers arrived at this juncture, and was called to the stand.

HOPKINS GIRL TESTIFIES.

Daisy Hopkins was called by the defense. She entered court chewing gum and retained it on the witness stand, chewing leisurely.

She held up her left hand by mistake to be sworn, and was admonished to hold up her right. In answer to a question of Attorney Arnold she said she […]

DEFENSE ATTACKS STATE'S CASE FROM MANY ANGLES

[…] lives now in Redan on the Georgia railroad. She said that she is Mrs. Daisy Hopkins, and not Miss.

"Did you work at the pencil factory, Mrs. Hopkins?" asked Attorney Arnold.

"Yes."

"When did you work there?"
"I started there in October, 1911, and worked until June 1, 1912."

"What department did you work in?"
"The packing department."
"What floor is that on?"

"On the third floor."

"How many other young women worked there?"
"Usually there were ten, but sometimes more."
"Do you know Mr. Frank, the defendant?"

NEVER SPOKE TO FRANK.

"I used to know him when I saw him about the factory."
"Did you ever speak to him?"
"No."
"Did he ever speak to you?"

"No."
"Were you ever in his office, drinking coca-cola or beer?"
"No."

"Do you know a fellow named Dalton?"

"I know him when I see him."
"Did you ever visit the pencil factory with him?"
"No, sir. I went to his house to see Mrs. [name illegible] when he lived at East Point."

"Did you ever, at any time, on a Saturday or any other day, come into the factory with Dalton and go up where Frank was or go any other place in the factory? Is there any truth in that?"
"No, sir."

"Did you ever introduce Dalton to Frank?"
"No, sir."

DENIES MISCONDUCT.

"Did you ever go down into the basement with Dalton?"
"I don't know where the basement is."
She denied any misconduct with Dalton.

Solicitor Dorsey took the witness for cross-examination.

MARRIED AT REDAN.

"Mrs. Hopkins, have you ever been married?" asked the solicitor.

"Yes, sir."

"Where were you married?"
"At Redan."

"What is the name of the man you married?"
"Sill."

"Are you living with him him [sic] now?"
"No, sir, he is dead."

"Did you have any children?"
"No, sir."

"What were your husband's initials?"
"A. M. Sill."

"Who married you?"
"Preacher Miles."

"Who was present when you were married?"

"Mr. Street."

"What is your doctor named?"
"Dr. Pounds."

"What is he treating you for now, Mrs. Hopkins?"
The witness hesitated, then replied, "Stomach trouble."

"Have you ever been in jail, Miss Hopkins?"
"No, sir," after hesitation.

"Why, Miss Hopkins, didn't this man," pointing to N. A. Garner, a special bailiff attached to the solicitor's office, "didn't this man get you out of jail?"
"No, sir."

"Have you ever seen him before?"
"Yes, sir."

DEPUTY WAS ALONG.

"Well, didn't he, N. A. Garner, get you out of jail?"
"No, sir, but he was along."

"Well, you were in jail, now; and who got you out?"
"Mr. Smith."

"What were you put in jail for, Miss Hopkins?"

"Because they told a tale on me."

"Who got you and brought you here to court?"
"Captain Burke."

"Was Captain Burke formerly with the Southern railroad?"
"I don't know."

"Now, Miss Hopkins, what jail were you in?"

"I don't know."

"All right, Miss Hopkins, you can come down," said the solicitor. The defense detained her, however.

"You were put in the jail in this county, were you not?" asked Attorney Arnold.

"Did they do anything to you?"
"No, sir."

JUST PAID HER LAWYER.

"I mean, did you have to pay a fine?"
"No, sir, I just paid my lawyer, Mr. Bill Smith."

"Well, he got you out?"
"Yes, sir."

"Did you ever go to any court about it?"
"No, sir."

"All right. Come down."

W. M. Matthews, a motorman on the English avenue car line of the Georgia Railway and Power company, was called as the next witness.

"On Apirl 14, last, Mr. Matthews, what were you doing?" asked Mr. Arnold.

"Running my car on the English avenue car line."

"Does this car run out to Bellwood avenue and by Lindsay street?"
"Yes, sir."

"Do you recollect the occasion on that morning when your car was coming into the city and passed Lindsay street about 10 minutes to 12?"
"Yes, sir."

MARY BOARDS CAR.

"That was the time for you to pass Lindsay street?"
"Yes, sir, that was the scheduled time."

"And you left on time?"
"Yes, sir."

"Do you remember a little girl getting on the car there?"
"Yes, sir."

"Was it Mary Phagan?"
"Yes, sir."

"Well, tell the jury the route of your car."

"On Bellwood to English avenue, to Kennedy street, to Grace, to Jones avenue to Marietta street, and in along Marietta to Broad and out Broad street."

"As usual your car stopped at the various points, to take on and let off passengers?"

"Yes, sir."

"What is the distance over your route from Lindsay to Broad street?"
"About one and a half or two miles."

"And you made the usual frequent stops?"

"Yes, sir."

"And in al[l]owing up to stop and in starting off again you lost the usual time?"

"Yes, sir."

"What time did you get to Marietta and Broad streets on that trip?"

POINT FOR DEFENSE.

"I was scheduled to arrive at 12:07 1-2."

"Were you on time?"
"Right about on schedule. I wasn't late all that day."

"You say your car turned south along Broad street after leaving Marietta?"
"Yes, sir."

"Where did Mary Phagan get off the car?"
"At Hunter and Broad streets."

The previous testimony of George Epps, the newsboy, was that Mary Phagan got off the car at Marietta and Forsyth streets and walked across the bridge.

"How long does it take your car to run from Broad to Hunter street?"
"It generally takes 2 1-2 minutes, but on account of the wagons and traffic, congested, it often requires three minutes."

"On that trip it took about the same time as usual?"
"Yes, sir. I was not running the car after we left Broad and Marietta streets. I was relieved there."

"You were still on the car, though?"
"Yes, sir. I was going over to Mitchell street."

"Where were you sitting in the car?"
"I sat on the seat behind Mary Phagan."

"Was there anyone else with Mary Phagan?"

GIRL WITH MARY PHAGAN.

"Yes, sir, another girl was sitting by her. I don't know whether she was with her, though."

"What time did you get to Hunter and Broad streets?"
"About 12:10, the best I can tell you. We got to Broad and Marietta about 12:07 1-2 and it took about 2 1-2 minutes to run on down to Hunter."

"What happened at 12:10?"
"The girls got off."
"Both of them?"
"Yes, sir, they went on down Hunter street like they knew each other."

"How far is it from there to the National Pencil factory?"
"A short block down Hunter and across Forsyth, and it is the

second or third building on Forsyth."
"Which side of Hunter street did they go up?"

"I didn't notice."

"And you don't know how long it would take for her to talk up the steps at the pencil factory to Frank's office?"
"No, sir."

"You were certain that you noticed her get off the car at Broad and Hunter?"
"Yes."

"Did you see any little boy with her?"

NO BOY WITH HER.

"No boy got on with her at Lindsay street, and there was no boy with her when I noticed her next at Broad and Marietta."

"Do you know George Epps?"
"By sight, since this case came up."

"And you didn't see him that day?"
"No."
"Did you see the body of this girl at the undertaker's?"

"Yes."

"And you are certain that it was Mary Phagan that you saw?"
"Yes."

Solicitor Dorsey cross-examined the witness.

"Why did you say it was about 12:10 and then say it was 12:10?"

"Well, it was about that time."

"Did you tell L. P. Whitfield, a Pinkerton operative, that you could have been three or four minutes ahead of the schedule at that time?"
"No."

"Where was it Epps got on the car?"
"I don't know."

"What made you notice Mary? Was she very pretty or attractive?"
"No more than anybody else."

"Why, don't you know as a matter of fact that Mary Phagan was an especially pretty girl?"
"Well, she was pretty," said the witness.

POSITIVE ABOUT TIME.

"What makes you so certain about the time?"

"Well, we were on time at 12:07 1-2, and I know it takes from two and a half to three minutes to go on Broad from Marietta to Hunter—that is, in the middle of the day."

"Then a person could get off at Forsyth street and walk to the factory more quickly than they could go there by the car?"
"No, the same time. I've walked it."

"Why is it that you are willing to tell the jury that this particular girl got off at that particular point and time on that particular day?"
"Because it's the truth."

"Why is it that out of the hundreds of passengers you have in a day, you can fix this girl so positively in your mind?"
"Well, when I was relieved and sat down behind her I was talking to a street car conductor and an ex-street car conductor and he had a picture in a badge and I took it and held it over there and said, ‘Here, little girl, is your picture.'"

"And those girls were talking together?"
"They seemed to be."

"Well, did you hear them say a single word?"
"No, I didn't."

POSITIVE IT WAS MARY.

"Well, as a matter of fact, wasn't that the other girl or another girl to whom you showed the picture?"
"No."

"Haven't you been looking for that other girl since then?"
The witness first said no, and then said yes.

"How was the other girl dressed?"

"About the same as Mary Phagan."

"Well, how was Mary Phagan dressed?"

"She had on a light-colored dress."

"What light color—pink or white?"
"It wasn't black."

"What else did she have on?"
"She had on a hat."

"What sort of a hat?"
"A light-colored hat."

"Well, what is there about George Epps that you can identify?"

"I've read about him in the papers since this case came up."
"Tell us one single thing by which you would know Mary Phagan."

"I just know her."

"Well, tell us how light that dress was."

"Not as light as this," pointing to Mrs. Rae Frank, the mother of the accused, dressed completely in white.

"Tell us about the hat."

"I never paid much attention to the hat; it was light colored."

"Are you certain of that?"
The witness hesitated and answered that he was not certain.

"Well, why did you say at first it was light?"
"Come down," ordered the solicitor, before the motorman answered.

CONDUCTOR IS CALLED.

"Wait a minute," commanded Mr. Arnold. "You can't tell generally what colored clothes your passengers wear, can you? Few notice

what women wear—isn't that true?"
"That's right."

"You were certain that this girl you saw in the morgue was Mary Phagan, the girl you saw on your car?"
"Yes."

Mr. Arnold exhibited the dress in which Mary Phagan was killed.

"I couldn't say that that's the one she wore," said the witness. "I know the girl just by her looks, and had spoken to her numbers of times when s[h]e got on the car at Lindsay street."

"And this is the light colored hat you saw, is it?" asked Solicitor Dorsey, producing the light blue hat.

"I don't know," said the witness. He was excused, and W. T. Hollis, conductor on the same line, was called to the stand.

In answer to questions of Attorney Arnold, Hollis described his occupation as conductor, and said that he was on the Cooper Street-English Avenue route on the day Mary Phagan was killed. He described the exact route of the car.

CORROBORATES MOTORMAN.

"Did you cross Lindsay street about noon, April 26?" asked Mr. Arnold.

"Yes."

"It was about 11:50, wasn't it?"
"Yes, sir."

"Did any girl get on there?"
"Yes, sir."

"Did you ever see this girl again?"
"I saw her body at the morgue."

"Did you ever see her before?"
"Yes, frequently. She used to get on the car."

"Did you know her name before this day?"
"I did not."

"Did anybody get on at Lindsay street with her?"
"No, sir."

"Did anybody sit in the same seat with her on the way downtown?"
"I couldn't say."

"Have you ever seen George Epps?"

"Yes."

REPUDIATES EPPS' STORY.

"Did he get on with her that day?"
"No, sir."

"Did he sit in the same seat with her on the way down?"
"I couldn't say whether he did or not. She was alone, I know, when I took her fare at English avenue, three blocks from Lindsay street."

"Do you recollect the Epps boy getting on at all?"
"No, sir."

"Did you have a full car that day?"
"There were thre[e] on, I think, when she got on."

"Did you see anybody get in the seat with her at all?"
"No, sir."

"What time do you get to Broad and Marietta streets usually?"
"At seven and a half minutes after 12 o'clock."

"Were you on schedule time that day?"
"Yes, I got relieved there."

"Where did you get off?"
"I got off there at Marietta and Forsyth streets."

"Did she get off with you?"
"No, sir, not with me."

"Were you the first to get off?"
"Yes, sir."

"Did you see her get off at all there?"
"No, sir."

"Where was she to the best of your knowledge when you left the car?"

LEFT HER ON CAR.

"She was in the car."

"What time did the car get to Broad and Hunter streets?"
"Well, it's supposed to get there about 12:10."

Attorney Hooper interrupted. "Your honor, I think these questions are all leading, and my brother, Mr. Arnold, gets worse as he goes on."
Judge Roan sustained the objection.

"What time did you look at her at the morgue?"
"Well, I get off Sunday at 6:37 p. m., and I went over there then."

Attorney Arnold opened the suitcase in which Mary Phagan's clothes were in court. "Do you recollect the clothes that she had on that day?"
When the witness replied, "No, sir, I don't recollect," Mr. Arnold left the clothes in the suitcase and proceeded.

HOOPER TAKES WITNESS.

Attorney Hooper took the witness for cross-examination.

"Mr. Hollis, there was something unusual about this trip that day, was there?"
"No."

"There was no particular reason for you to notice whom you picked up, was there?"

"No, sir."

"There was nothing to attract your attention especially to that, was there?"
"No, sir."

"This little Epps boy frequently got on your car. You don't know whether he got on and off that day or not, do you?"
"No, sir."

"You don't even know the color of this little girl's dress, you say?"
"No, sir."

Attorney Hooper pointed to the hat. "You wouldn't call that hat light, would you?"
"No, sir."

"You'd call it a very dark blue, wouldn't you?"
"Yes, I guess so."

"Did you notice anyone at all with Mary Phagan that day?"
"I did not."

DIDN'T SEE OTHER GIRL.

"Wasn't there a little girl sitting in the seat with her?"
"I didn't see her."

"Can you tell the jury of any other single trip when she was with somebody?"
"No, sir."

"You don't know whether the Epps boy got on at all, then, do you?"
"No, sir."

"And you say you got Mary Phagan's fare when you turned into English avenue?"
"Yes, sir."

"Well, I never take them up until I get to English avenue."

"Well, you picked up some passengers coming into town, didn't you? How many?"
"I don't know."

"Were they male or female?"
"Both."

"Can you name any of them? Name a single one of them to the jury."

"I can't."

"Which end of the car did Mary Phagan get on?"
"The front end."

"How do you know that?"

ENTERED LAUGHING.

"Well, Matthews used to speak to her when she got on. That day she come in and said she was late, laughing."

"Do you stay on the front platform of the car all the time?"
"No, sir."

"How did you happen to be there that morning?"
"I wasn't there."

"Oh, you stood at the back end of the car and heard her there, did you? She hollered, did she?"
"I heard her from the back end."

"What time does Mary Phagan usually get on your car?"
"Well, she used to ride in on the trip when we got to town at 7:07 in the morning. She'd say she'd be fifteen minutes late then."

"That day when you got to town, it was a holiday, wasn't it? There was a procession of some kind on the streets, wasn't there?"
"I didn't notice any."

"Do you remember the tow-headed Epps boy being on the car that day?"
"No, sir, but I know him."

Mr. Arnold resumed his questioning of the witness.

"Mr. Hooper has asked you who got off at Marietta and Forsyth streets. I believe you said you didn't know?"
"Yes, sir."

SHORT CAR.

"Is your car a short car or a long car?"

"A short car."

"When you are standing on the rear platform, do you have any difficulty in hearing what the motorman says on the front platform?"
Solicitor Dorsey objected, declaring that an answer would be a conclusion simply. He insisted that the witness be made to state facts—how far he was from the motorman, and what sounds he heard.

Judge Roan allowed the question.

The witness replied that he had no difficulty in hearing what the motorman said on the front platform when the car was stopped.

"When you are on the rear platform, how many feet are you away from the motorman?"
"I don't know, exactly. The car seats twenty-eight passengers and is a short car."

"It's about 25 feet in length, then?"

"Something like that."

"Were the doors open on this occasion?"
"Yes, sir."

"Mr. Hooper asked you why you re-[…]

SAYS NEWSIE WAS NOT ON CAR WITH GIRL

[…]membered this girl. I'll ask you if when you heard of the murder and went and looked at the girl, it didn't recall her to your attention?"

"Yes, sir, the newspaper reporters asked me on Sunday to go and identify her."

"And you went to the morgue to see the body after the reporters asked you to do so?"
"Yes, sir."

"And you found it was the little girl who had been on that car the day before?"
"Yes, sir."

"If your attention was called to this little girl a month or two later, you would not remember her so well as you would the next day?"
Mr. Hooper objected. The objection was sustained.

"When you saw the little girl the next day in the morgue, you had no difficulty in remembering her?"
"No, sir."

"How far is Oliver street from Lindsay street?"
"One block."

"You didn't see Epps get on your car there?"
"No, sir."

"Would you have remembered if it he had got on there?"
"I think so."

Mr. Hooper again objected, declaring Mr. Arnold's questions were leading. No ruling was made, however, and Mr. Arnold proceeded.

"How far is Oliver street from Lindsay?"

"One block."

"And you say you don't remember the Epps boy getting on at Oliver?"
"What is the next cross street after you leave Oliver?"
"Franklin street."

"After leaving Franklin you pass into English avenue?"

"Yes, sir."

"And you had reached English avenue before you began to take up fares?"
"Yes, sir."

"No one was in the seat with Mary Phagan when you took up her fare?"
"No, sir."

"That was your last run of the morning?"
"Yes, sir."

"When did you go out on your next run?"
"At 3:22."

SAYS HE WAS ON TIME.

"I believe you said you didn't remember whether the Memorial day crowds had gathered at Marietta and Forsyth streets."

"No, sir, I don't remember noticing them."

"You never get to the center of the city before scheduled time to arrive?"
"No, sir, it is against the rules of the company."

"And you didn't get in ahead of time on that day?"
"No, sir."

Attorney Hooper cross-questioned the witness again.

"Do you mean to tell me that you keep the rules of the company so rigidly that you never get in ahead of time or behind time?"
"It's not against the rules to get in behind time."

"Don't you sometimes get in ahead of time?"
"Very seldom. Sometimes perhaps half a minute or maybe a minute."

"When you are going in on your last trip at night, don't you go in ahead of time?"
"The company doesn't object to that."

"Do you always stop and look at your watch in crossing the main street?"
"I hardly ever pass one without it. I always look at my watch at the designated points."

"And this was your last trip?"
"Yes, sir."

ALBERT KAUFFMAN CALLED.

Witness was excused. Attorney Arnold called for the Epps boy. He had not reached the court house, and Albert Kauffman, a civil engineer, was called. While court waited for him, Mr. Arnold took a number of papers from a basket in front of him, announcing that he had a model there and some blue print diagrams which he wished to use. While he searched for these papers, Mr. Arnold came across a package which he handed to Solicitor Dorsey, saying: "Here is that bank and cash book that you asked for yesterday." After opening up a number of blue prints, Mr. Arnold began questioning the witness.

"What is your business?" he asked.

"I am a civil engineer," answered Mr. Kauffman.

"Have you made a drawing of the Selig residence on Georgia avenue, showing the rear rooms in it?"
"Yes, sir."

"When?"
"Tuesday of this week."

"This residence is known as 68 East Georgia avenue?"
"Yes, sir."

"Did you make a plat of the kitchen, dining room, reception room, parlor and passageway between the kitchen and dining room?"
"Yes, sir."

"These are the diagrams?"
"Yes, sir."

REPUDIATES M'KNIGHT.

"Well, come over here and point them out to the jury."
In reply to questions by Mr. Arnold, the witness indicated the location of the mirror in the dining room, the table in the dining room, the passageway between the kitchen and dining room, the back door of the kitchen, and other details of the diagram. He said the distance is fourteen feet between the kitchen door and the passageway leading into the dining room; that this passageway is 2 1-2 feet in width and a little over two feet long.

"Did you stand in the back door of the kitchen, on the north side of the door, which is the only door to the kitchen, to ascertain whether you could see the mirror in the dining room?"
"Yes, sir."

"Could you see it?"
"No, sir."

"Why?"
"Because of this partition in the passageway?"
"Taking the most extreme view possible, could you see any part of the mirror?"
"No, sir."

"Were you present when a photographer took some views of these rooms?"
"Yes, sir."

"Suppose you stood on the south side of the back kitchen door, what sort of a view would you have into the dining room?"
"Considerably less than if I stood on the north side."

"How close to the sideboard could you see from that point?"
"Within about three or four feet."

"If a man sat in a chair in the middle of the passageway, could he see the sideboard?"
"No, sir."

"Have you drawn a plat of Georgia avenue?"
"Yes, sir."

"Of that block bounded by Georgia avenue, Washington and Pulliam streets?"
"Yes, sir."

"Is this it?"
"Yes, sir."

"How far is it from the Selig home to Washington street?"
"One hundred and seventy-five feet."

"How far is it to Pulliam street?"
"Two hundred and seventy-one feet."

"Is there a car line on Georgia avenue in front of the Selig house?"
"Yes, sir."

"One on Washington street?"
"Yes, sir."

PLAT OF FACTORY.

Mr. Kauffman identified the plate of the Selig residence and streets in the vicinity. He then stated that he made a detailed drawing of the National Pencil factory on all floors. He explained minutely the details of the drawing of the National Pencil factory, the attorney causing him to emphasize his description of a chute at the rear of the basement. Mr. Kauffman's testimony showed that the chute is about five feet wide. The defense laid stress on the size of the opening, indicating to the minds of many observers that their theory of the killing probably will be that the murderer dragged Mary Phagan's body along behind the partition from the first floor entrance toward the back and dropped it through the chute, which ends in the basement within a short distance of where the body was found.

Mr. Kauffman explained first the drawing of the basement. He described it as 136 feet from the elevator to the point where the body was found; 80 feet from the elevator to the trash pile; 90 feet to the boiled [sic]; 116 feet to the toilet; 135 feet to the back stairway.

COULD SLIDE BODY IN CHUTE.

Mr. Kauffman described minutely the chute in the rear of the building, saying that it is big enough for one or two human bodies or even for a pony to slide down. It empties into the basement eight feet from the rear wall of the building, and 32 feet from where the body was found. The total length of the building is 280 feet, and the walls are 2 feet thick, making it 196 feet from inner wall to inner wall.

Mr. Kauffman described the partitioned inclosure in the basement, declaring that it and the bunk which it contained were very filthy when he saw them. From the point where the body was found to the toilet is 21 feet, and the body was found 42 feet from the back door. The line of vision from the toilet to the point where the body was found is an angle of 43 degrees, he said. The partition cuts the line of vision in half, making a point three feet from the wall visible.

The witness described in similar detail the plat of the ground floor. He declared that as one enters the building it becomes very dark a few feet back from the street door. From the front door to the bottom of the stairway the distance is thirty-five feet.

The stairway to the second floor is twenty-five feet. The distance from the foot of the stairs to the elevator is thirteen feet.

LONG DARK HALLWAY.

The witness described minutely a long dark hallway about five feet wide, leading to the rear of the building. On this hallway ninety feet from the front door are several toilets. This point is almost directly above where the body was found.

Adjoining the toilets is a trap door with steps leading into the basement. These steps and fifteen feet from where the body was found. That point is also about fifteen feet from the chute.

Mr. Kauffman described the opening of the chute. On the second floor, said the witness, is the office, measuring 30 by 38 feet. He observed the doors of the safe, when opened, and they completely cut off the view from the inner to the outer office.

"Would it be possible for a man of your height to see over the safe door from Frank's office?"
"Yes."

"Would it be possible for a girl, say 5 feet 3 inches in height to see over?"
"I don't think so."

Mr. Kauffman laid the diagrams on the jury rail, and the jurors studied them with him.
Witness described the furniture in Frank's office, and the relative position of the various articles. Anybody on the opposite side of the street could see Frank's desk through the window. The witness said the distance between Frank's desk and the metal room is 150 feet.

FRANK MAKES SUGGESTION.

At this point Frank, the accused, arose from his seat, and whispered a suggestion to Attorney Rosser, Attorney Arnold asked the witness if anybody sitting at Frank's desk could see the stairway leading from the third floor, and the witness replied that there was no view of the stairway from that point.

From the desk in the inner office the only view one could have from Frank's desk would be of one corner of the time clock.

Kauffman continued that anybody in the outer office could see a portion of the top of the stairway leading to the third floor, but not the bottom of the stairs. The door of the metal room is six feet wide and he thinks there is some glass in the door, said he. The dressing room in the metal room is ten feet from this door, said he. The distance is twenty-six feet between the lathe where the hair was found and the door of the metal room and thirty-seven feet from the lathe around the machines to the point where Conley said he found the dead body of the girl.

VAT COULD HOLD GIRL.

Attorney Arnold directed the witness' attention to a store room near the metal room on the second floor, and questioned him particularly about a certain vat in that room. The witness said this vat was six feet by four feet, and that it would be possible to put a girl five feet three inches tall in it. Mr. Kauffman continued that any one coming down the stairway from the third floor to the second floor has a full view of the elevator.

Attorney Arnold picked up the drawing of the fourth floor of the pencil factory, and designating a marked spot about the center of the south wall of the building, asked the witness what was located there. The witness replied that it was a vat. That ended the technical questioning of the witness on this direct examination.

"Did you find any part of a lounge or a bed or a sofa, with the exception of the one in the basement, anywhere in the building?" asked Mr. Arnold.

"No."

"Did you find anything that looked like a private room or a bed room, any place except the women's dressing room?"
"No."

"How far is it from the top of the steps leading from the first floor to the second floor, to the bottom of the steps leading to the third floor?"
"Twenty-seven feet."

"How long is the stairway from the second to the third floor?"
"About twenty-five feet."

HOOPER EXAMINES KAUFFMAN.

Attorney Hooper cross-examined the witness.

"About this chute from the first floor to the basement—is it open?"
"Yes."

"Is the trap door covering it, open?"
"No."

"Is it nailed down?"
"I didn't try it."

"How long after the killing did you see this trap door and chute?"
"It was about two months, I think."

"Wasn't it very dusty then?"
"Yes."

"There wasn't a sign that it had been used for months, was there?"
"I wouldn't say positively as to that. It was dark when I went down there."

Attorney Hooper designated th[e] spot in the drawing of the basement where the witness said that the body of Mary Phagan was found.

"Who told you where the body was found?"
"Mr. Schiff," replied the witness.

Mr. Schiff, employed by Mr. Frank in the factory?"
"Yes."

"Well, if that is wrong, then all your distances are wrong, are they not?"

"Yes."

ARNOLD OBJECTS.

Attorney Arnold objected to the question and answer. He said, "this distance is only one of a hundred." Attorney Hooper explained that he meant only the distances between the body and other points in the basement.

Mr. Hooper asked the witness if the body lay just a little further toward the rear from where Schiff said it was laying, it could be seen from the toilet. Mr. Hooper laid a ruler on the diagram to illustrate the view line. The witness admitted that it would be visible under those conditions. The witness had noticed the gas jet burning near the elevator, but had not indicated it on the plat. Discussing the diagram of the first floor, Attorney Hooper asked a number of questions as to the lighting conditions of the entrance way. When the double doors at the street are open, the entrance is fairly well lit between the street and th[e] stairway, but when they are closed the light is not so good. He had not noticed any gas jet on the first floor.

The witness could not say whether any considerable light penetrated the building through the windows and glass partition

at the front and side of the entrance. He did not think much light could enter there, though, inasmuch as the glasses were very dirty when he observed them.

He admitted that he did not know the condition of the glass was on April 26, but it looked like it had been dirty some time. He had seen the glass several times in the last month. The trap door leading from the first floor to the basement, said the witness, is two feet across one way by two feet and three inches the other.

COULDN'T GET BY TRAP.

He admitted that a man of his size would have a hard time getting through if he was in a hurry; that he did not think one person could carry another person through the trap door. With the ruler Attorney Hooper indicated a line from Frank's desk in the inner office through the doors and out to the time clock, in an effort to show the vision uninterrupted between those points.

The witness stated that when he drew the plat, this desk behind the partition was about two feet nearer the street wall from the door, and from that position the time clock was not visible. Attorney Hooper caused him to admit that if this desk was flush with the doorway through the partition that one could see a part of the time clock from the desk chair.

He made the measurements five or six weeks ago, said the witness. The clocks face the elevator shaft about twelve feet away. He didn't think a man sitting at Frank's desk could be seen from the opposite side of Forsyth street; however, and he, that was a matter of opinion.

The witness admitted that anyone entering the door of the inner office could see the whole office without obstruction. The witness also admitted that owing to the twists in the stairway flights between the second and fourth floor, a person on the fourth floor could not see down to the foot of the stairs on the second floor, unless there was some shaft down the stairs which he did not recall.

He admitted that there were doors on the stairway at the fourth floor, but was not certain whether there were doors at the third floor on the stairway.

COULD DROP THROUGH.

Attorney Arnold asked: "You didn't make any tests to ascertain whether you could see from the third floor to the second floor?"
"No, sir."

"I believe you said two persons couldn't get through the trap door at the same time?" continued Mr. Arnold.

"I said that."

"But there would be no trouble for one person to open the trap door and drop another person through?"
"No."

"It would be an easy matter for two, three or four persons, and even a small horse, to go through the elevator shaft there by the trap door?"
"Yes, sir."

"It is rather dark when the street doors are closed, on the first floor, isn't it?"
"Yes, sir."

"And there isn't much light through the panel partition?"
"I don't think so. I didn't notice the extent of the solid work in the partition?"
Mr. Arnold directed the witness to come down, but before he left the stand it was announced by Mr. Hooper that he would be subject to recall. Mr. Hooper remembered another question, and the witness stayed on the stand a moment.

DINING ROOM MIRROR.

Mr. Kauffman admitted that when one sits in a certain part of the kitchen a mirror reflecting a portion of the dining room of the Selig home could be seen. He admitted also that he had no idea of the arrangement of the doors or furniture on April 26. The

witness was excused, and Attorney Arnold tendered in evidence the diagrams of the four floors of the factory, the diagram of the Selig home, and a diagram of the home with reference to the surrounding streets. There was no objection by the state.

J. Q. Adams, a commercial photographer, was called to the stand. He identified a number of photographs taken by himself. One was taken from the outside of the back door of the Selig home, showing the passageaway [sic]. Another was taken with the camera just inside the door.

From neither of these points, said he, could he see the sideboard or the mirror in the dining room. He identified views of the pencil factory. The first views were taken from the hallway and from the outer office, showing the safe door open. The photographer declared that the view of Frank's desk was cut off completely by the open safe door and that the inner office would be seen only by a narrow opening over the top of the safe.

The photographer identified a number of views of the basement, taking in elevator shaft, the ladder, the partition near which the body was found, and several other points in the basement which have been mentioned in the testimony. He showed a view of the ground floor taken with the camera just inside the door, showing the elevator shaft.

Another view showed exactly where Conley claimed to have been sitting. He had a number of other views of the second floor, showing where Jim Conley claims to have found the body and the metal room, the point where the detectives chipped up parts of the floor. Other views showed the different departments on that floor.

Attorney Arnold then showed a photograph of the front of the metal room and the machinery. The photographer identified that with the others.

"In each of these instances, did you endeavor to make these photographs as accurate as possible?" asked Attorney Arnold.

"I did," replied the witness.

That concluded the direct examination. Attorney Hooper cross-examined the photographer.

PHOTOS MONTH OLD.

"How long ago were these photographs of the factory taken?"
"About a month." The witness added that the photographs of the Selig home had been taken just a few days ago. Attorney Hooper asked the witness to indicate on the diagram of the Selig home where he had taken the picture. The witness pointed to the doorway leading from the kitchen to the porch. This picture showed the inside wall of the dining room to a point where a window appears. Attorney Hooper asked: "Now, Mr. Adams, a slight change in the position of the sideboard in the corner of the room would make it possible to see the the [sic] mirror from the door, would it not?"
"You could see the edge of it."

"If a man sitting right inside the door, looked through the passage into the dining room, he could see the mirror, then, couldn't he?"
"He could see part of it."

"He could see enough of the mirror to see a reflection of a good part of the room, couldn't he?"
"I wouldn't say as to that."

All of the photographs then were submitted in evidence by the defense without objection by the state.

Court recessed at 12:30 o'clock until 2 o'clock.

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